

## **MEMORANDUM**

TO: Spokane Association of Realtors Members

FROM: Brian Balch

DATE: April 23, 2020

RE: Covid-19 Notice

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The Spokane Association of Realtors has adopted a new Covid-19 Notice Form to share and use with our clients and customers. The form is largely self-explanatory, and is intended to help firms, brokers, clients and customers do all we can to conduct business in a way that protects the health and safety of all of us, as well as everyone else with whom we will come in contact.

The Pandemic we are facing is like nothing any of us have seen, and it is not clear when or exactly how our Country can return to anything resembling a “new normal. There are certain things we do know, however, that should dictate how we conduct ourselves. These include:

The United States has more confirmed cases of this disease than any other nation in the World; and the State of Washington was the first to really get hit with community spread affecting a large number of people.

In response, on March 23, Governor Inslee adopted his Stay Home, Stay Healthy policy. He worked with our representatives at Washington Realtors and Northwest Real Estate Brokers to revise and clarify the policy to classify real estate brokerage as an essential business, allowing us to continue to work with clearly prescribed limitations. We are fairly unique in this regard, since most other businesses classified as “essential” provide services and products that we really can’t live without (e.g. medical care, food, fuel, transportation of goods we need to survive, and the like). If we operate safely, we can therefore serve as an example of how other businesses can be permitted to reopen and operate safely.

It now appears that community spread of the disease has peaked and is declining. But, health experts at all levels and in other countries caution that completely opening our economy too soon or in the wrong way could cause a second wave of the disease, that has the potential to be even more severe than the first. So, this is not the time to think that the problem is behind us.

Yesterday, Governor Inslee issued a new Policy Brief entitled “Safe Return to Public Life in Washington State,” outlining the conditions that must be met in order to move forward with reopening our economy further. Key among those conditions is the requirement that community

spread of the disease remain contained and declining. This can be hard to gauge, however, since it now appears that the disease was present and spreading through our population earlier and more broadly than previously thought. Another serious problem, is that many people who have the disease and are highly contagious have no symptoms and do not realize they are spreading it. We can't do much about increasing the availability of testing, or developing systems to trace contacts of people diagnosed with the disease.

BUT, if we follow the Governor's requirements that we limit our person-to-person contact as much as possible; and, when we do meet, limit those meetings to two people, we greatly further the objective of limiting spread. If we also carefully follow CDC guidelines, we can operate in a manner consistent with the Governor's policy and be comfortable that we will not be a source of any further spread of the disease.

IN PARTICULAR, NOTE: if we socially distance ourselves by keeping six feet apart from our customers and clients at all times; and wear a face covering during all face-to-face meetings, and avoid touching our face unless we have just sanitized our hands, we cannot inadvertently pass the disease to our customers and clients, and they can't inadvertently give it to us.

It is critical that we do what we can to demonstrate that a service business like ours can operate safely, and provide an example that can be used to safely reopen larger segments our economy as soon as possible. While our economy remains shut down, other extreme problems developing and spiraling out of control. People's livelihoods and savings are being devastated; if left shuttered too long, many businesses, large and small, may never recover; we face the potential that a prolonged shutdown may lead to the worst recession we have experienced since the Great Depression (very hard to believe after 2008); mental illness is increasing, and people with existing mental health issues are suffering greatly; domestic violence is dramatically rising here and elsewhere; and crime is on the rise.

We need to get this right. It is hoped that we will all take this as seriously as possible; and that use of a Notice such as the one release by SAR with this Memo, will help us work cooperatively with our clients and customers to accomplish that goal.

FINAL NOTE: Whatever approach you choose to take with regard to this Memo and any policy your firm chooses to adopt, it is very important that you be completely consistent and apply the same approach to everyone. Remember that real estate transactions are also governed by the Federal Fair Housing Act and Washington's Law Against Discrimination; nothing exempts our handling of Covid-19 from either of them. If you inconsistently use the Covid-19 Notice form, or your handling of this issue, for some but not all situations or clients, you run the risk that your choice will constitute, or create the appearance that they constitute, illegal discrimination against some people on the basis of a recognized protected classification.